



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT

Application Number: 2500466
Applicant Name: Norris Bacho for AT & T Wireless
Address of Proposal: 2326 California Avenue Southwest

SUMMARY OF PROPOSED ACTION

Master Use Permit to expand use for construction of a minor communication utility (AT&T Wireless) consisting of a total of nine panel antennas (replacing two existing and adding seven new antennas) enclosed within a screening shroud, on the roof of an existing residential and commercial building. Project includes expansion of equipment cabinets on the rooftop.

The following approvals are required:

SEPA - Environmental Determination - *Chapter 25.05, Seattle Municipal Code*

SEPA DETERMINATION: ☐ EXEMPT ☒ DNS ☐ EIS

☒ DNS with conditions

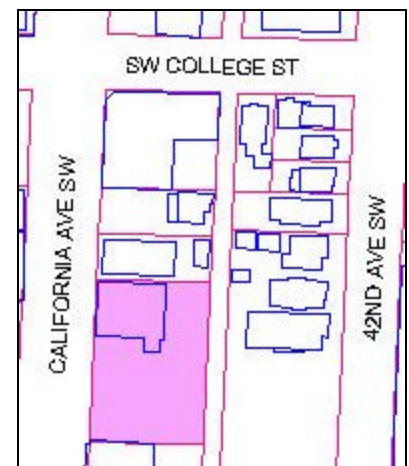
☐ DNS involving non-exempt grading or demolition
involving another agency with jurisdiction

* Early Notice DNS published July 21, 2005

BACKGROUND DATA

Site Location and Description

The subject property is located on the eastside California Avenue Southwest in the 2300 block, between Southwest College Street to the north and Southwest Admiral Way to the south in West Seattle. An alley running parallel to California Avenue Southwest abuts the site to east. The site is also located within Admiral Residential Urban Village overlay district. The subject site is nearly rectangular in shape and encompasses a land area of approximately 21,815 square feet (125 feet X 175 feet), within a Residential Commercial Two zone, with a height limit of 40 feet (NC3-40). The site is currently developed with a commercial and residential (Mixed-use) building, containing assisted living facility and retail use. The four (4)-story building was constructed in 2000.



The site is fully developed with an existing U-shaped building occupying a significant portion of the development site, with an inner landscaped courtyard adjacent to California Avenue Southwest. The existing minor communications utility (AT&T) is already located on the roof top, with two antennas mounted to the side of the stair penthouse. An improved 16 foot wide paved alley abuts the subject lot's east property line where vehicle access is obtained to an underground garage. The subject is nearly level with no other discernable site characteristics. California Avenue Southwest abutting the site to the west is fully improved right-of-way with concrete sidewalks, curbs, and gutters.

The subject site is located within a NC2-40 zoning band, around this stretch of California Avenue Southwest. There is a wide assortment of commercial uses including, Admiral Twin Theater (a designated landmark building), restaurants, retail, customer service offices, etc., in this area with a sustained robust pedestrian and vehicle environment throughout the day and evening. Outside this zoning area to the east, the height steps down to 30 feet (NC2-30) for half a block, then changes to a less dense Single Family 5,000 zone (SF 5000) with a mix of modest styled single family structures. To the west of the California Avenue zoning band the zone transitions to a narrow Multifamily Lowrise Two (L-2) zoning band, then to a less dense Single Family 5000 zone. This residential area is expansive and truly reflects urban residential living in greater Seattle. Development in the area includes churches, and modest one and two-story single family residences.

Proposal Description

A Master Use Permit Application proposes to expand an existing minor communication utility (AT&T Wireless) on the roof of an existing residential (Assisted Living Facility) and commercial building. The project includes replacing two antennas and adding seven new antennas (for a total of nine antennas) on the roof top. Six antennas will be mounted to the side wall of a stair penthouse near the building's northwest corner. Three antennas will be mounted on a skid in the south quarter of the roof top; all antennas will be encased within a faux shroud compatible with the existing building. The equipment cabinet will be located on the rooftop.

The highest portion of the proposed minor communication utility and screening is proposed to be 14 feet above the roof elevation, approximately 55 feet above existing grade. The height limit for the NC2-40 zone is 40 feet above grade, with allowance for additional height for mixed use buildings and roof top features, such as antennas extending up 15 feet above roof. This proposal satisfies all applicable Code development standards.

Public Comment

Date of Notice of Application: July 21, 2005
Date End of Comment Period: August 3, 2005

Letters 0

Issues: No public comment letters were received by DPD, during comment period.

SEPA ANALYSIS

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist prepared by Peter James dated April 6, 2005. The information in the checklist, public comment, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665 D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part: *"Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation,"* subject to some limitations. Under such limitations/circumstances (SMC 225.05.665 D1-7) mitigation can be considered.

Short-Term Impacts

The following temporary construction-related impacts are expected: 1) decreased air quality due to increased dust and other suspended particulates from building activities; 2) increased noise and vibration from construction operations and equipment; 3) increased traffic and parking demand from construction personnel; 4) blockage of streets by construction vehicles/activities; 5) conflict with normal pedestrian movement adjacent to the site; and 6) consumption of renewable and non-renewable resources. Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); and 2) Building Code (construction measures in general). Compliance with these applicable codes and ordinances will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The proposal is located within residential receptors that would be adversely impacted by construction noise. Therefore, additional discussion of noise impacts is warranted.

Historic and Cultural Preservation

Construction activities related installation of the minor communication utility across the California Way Southwest right-of-way which include increased noise, dirt and truck traffic could impact Admiral Twin Theater which have been designated historic landmark buildings within the City of Seattle. In accordance with the *Department of Planning and Development – Department of Neighborhoods Interdepartmental Agreement on Review of Historic Building during SEPA Review*; the planner referred approval to the Historic Preservation Officer. The Historic Preservation Officer evaluates criteria for development occurring adjacent to or across the street from landmark structures," in response to the SEPA Historic Preservation Policy (SMC 25.05.675.H.2.d). The review of the impacts associated with the proposed project would not require further design mitigation, since no significant development (expansion) is planned for the project.

Construction Noise

The limitations of the Noise Ordinance (construction noise) are considered inadequate to mitigate the potential noise impacts associated with construction activities. The SEPA Policies at SMC 25.05.675 B allow the Director to limit the hours of construction to mitigate adverse noise impacts. Pursuant to this policy and because of the proximity of neighboring residential uses, the applicant will be required to limit excavation, foundation, and external construction work for this project to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. It is also recognized that there are quiet non-construction activities that can be done at any time such as, but not limited to, site security, surveillance, monitoring for weather protection, checking tarps, surveying, and walking on and around the site and structure. These types of activities are not considered construction and will not be limited by the conditions imposed on this Master Use Permit.

The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Long-term Impacts

Long-term or use-related impacts are also anticipated, as a result of approval of this proposal including: increased traffic in the area and increased demand for parking due to maintenance of the facility; and increased demand for public services and utilities. These impacts are minor in scope and do not warrant additional conditioning pursuant to SEPA policies.

Environmental Health

The Federal Communications Commission (FCC) has pre-empted state and local governments from regulating personal wireless service facilities on the basis of environmental effects of radio frequency emissions. As such, no mitigation measures are warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

The applicant has submitted a “Statement of Federal Communication Commission Compliance for Personal Wireless Service Facility” and an accompanying “Affidavit of Qualification and Certification” for this proposed facility giving the calculations of radiofrequency power density at roof and ground levels expected from this proposal and attesting to the qualifications of the Professional Engineer who made this assessment. This complies with the Seattle Municipal Code Section 25.10.300 that contains Electromagnetic Radiation standards with which the proposal must conform. The City of Seattle, in conjunction with Seattle King County Department of Public Health, has determined that Personal Communication Systems (PCS) operate at frequencies far below the Maximum Permissible Exposure standards established by the Federal Communications Commission (FCC) and therefore, does not warrant any conditioning to mitigate for adverse impacts.

Summary

In conclusion, several effects on the environment would result from the proposed development. The conditions imposed at the end of this report are intended to mitigate specific impacts identified in the foregoing analysis, to control impacts not adequately regulated by codes or ordinances, per adopted City policies.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined not to have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

SEPA CONDITIONS

The owner(s) and/or responsible party(s) shall:

1. Revise plans to increase the area of the shroud around the three antennas (south half of roof) to extend flush to the support skid, creating an illusion of an architectural feature more in keeping with structures found on roof top surfaces. This shall be to the satisfaction of the Land Use Planner.

During Construction:

The following condition to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. If more than one street abuts the site, conditions shall be posted at each street. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of the construction.

2. In order to further mitigate the noise impacts during construction, the hours of construction activity shall be limited to non-holiday weekdays between the hours of 7:30 a.m. and 6:00 p.m. This condition may be modified by DPD to allow work of an emergency nature or allow low noise interior work. This condition may also be modified to permit low noise exterior work after approval from the Land Use Planner.

Signature: (signature on file) Date: May 18, 2006
Bradley Wilburn, Land Use Planner
Department of Planning and Development